

**IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

IN RE:)	
)	
CHEYANNE RENEE QUILLEN)	C.A. Number: CPU4-10-005421
)	
TO)	Minor Child's D.O.B. 01/25/2001
)	
CHEYANNE RENEE HALTER)	CHANGE OF NAME

Robert Brent Halter
5 Putnam Place
Newark, DE 19702
Petitioner on behalf of minor child

Amanda Lynn Quillen
183 Washington School House Road
Rising Sun, MD 21911
Respondent

**MEMORANDUM OPINION AND ORDER
ON PETITION FOR NAME CHANGE OF
CHEYANNE RENEE QUILLEN TO CHEYANNE RENEE HALTER**

Submitted: October 25, 2010
Decided: November 3, 2010

ROCANELLI, J.

On October 25, 2010, an evidentiary hearing was held in the Court of Common Pleas on the Petition for Name Change of Cheyanne Renee Quillen to Cheyanne Renee Halter ("Petition"). The Petition was presented by Cheyanne Renee's father and opposed by Cheyanne Renee's mother. Following the hearing, the Court reserved decision. This is the Court's Memorandum Opinion and Order granting the Petition.

Cheyanne Renee is nine (9) years old and lives with her biological father Robert Brent Halter, who filed the petition on Cheyanne Renee's behalf. Amanda Lynn Quillen is Cheyanne Renee's biological mother, who did not submit any written objection to the Petition but did appear at the hearing and presented her own testimony in opposition to the Petition.

This matter is governed by 10 *Del. C.* § 5901 *et seq.* and Court of Common Pleas Civil Rule 81(c). The applicable statute and rules require that the petition be signed by at least one of

the minor child's parents and that notice of the petition be published at least once a week for 3 weeks before the petition is filed.¹ The Court may grant a petition for name change if all the statutory requirements are met and there are no apparent reasons for not granting the petition.²

The Court has adopted the "best interests of the child standard" when determining whether to grant a petition for a name change of a minor child.³ What constitutes the best interests of the child involves a factual analysis involving the relationship and family structure of the minor.⁴ Under this standard, the Court considers the following factors:

1. A parent's failure to financially support the child;
2. A parent's failure to maintain contact with the child;
3. The length of time that a surname has been used for or by the child;
4. Misconduct by one of the child's parents;
5. Whether the surname is different from the surname of the child's custodial parent;
6. The child's reasonable preference for a surname;
7. The effect of the change of the child's surname on the preservation and development of the child's relationship with each parent;
8. The degree of community respect associated with the child's present surname and proposed surname;
9. The difficulties, harassment, or embarrassment that the child may experience from bearing the present or proposed name;
10. The identification of the child as a part of the family unit.⁵

Based upon the evidence presented at the hearing, the Court finds that the factors in support of granting the Petition outweigh the factors against granting the Petition. As a threshold matter the Court notes that Notice of the Petition was published in the New Castle Weekly, once a week for three weeks prior to filing of the Petition – specifically on August 18,

¹ 10 Del. C. § 5902 – 5903.

² 10 Del. C. § 5904.

³ *In Re: Change of Name of Walter to Coffin*, CCP, C.A. No. 1998-06-222, Fraczkowski, J. (Sept. 30, 1998); *In Re: Change of Name of Evans to Brown*, CCP, C.A. No. 1998-10-147, Welch, J. (Mar. 11, 1999).

⁴ *See, In re Change of Name of James Roy Runyon, Jr. to James Roy McGarrity*, Del. CCP C.A. No. 1999-06-185, Smalls, C.J. (August 13, 1999).

⁵ *Id.*

August 25, and September 1, 2010. Accordingly, the Court holds that it is in the best interest of Cheyanne Renee to have her name changed from Cheyanne Renee Quillen to Cheyanne Renee Halter.

The following analysis of the factors was used in reaching the Court's decision:

A parent's failure to financially support the child. Amanda Lynn Quillen admittedly does not pay any child support for Cheyanne Renee and does not have any immediate prospect for being able to properly provide child support. On the other hand, Robert Brent Halter supports Cheyanne Renee. This factor supports granting the Petition.

A parent's failure to maintain contact with the child. Testimony at the hearing on the Petition revealed that Amanda Lynn Quillen's contacts with Cheyanne Renee have been infrequent and sporadic. Amanda Lynn Quillen could not recall whether she had even spoken to Cheyanne Renee on her most recent birthday. Based on the testimony presented by Amanda Lynn Quillen, the Court finds that her efforts to maintain contact with her daughter have been minimal. However, the Court does find that Amanda Lynn Quillen wants to maintain contact with Cheyanne Renee in the future. This factor supports granting the Petition.

The length of time that a surname has been used for or by the child. The surname Quillen has been used by Cheyanne Renee since birth. This factor supports denying the Petition.

Misconduct by one of the child's parents. The parties did not present any evidence at the hearing concerning misconduct by either parent. The Court considers this factor to be neutral in determining the best interests of Cheyanne Renee.

Whether the surname is different from the surname of the child's custodial parent. Robert Brent Halter has custody of Cheyanne Renee. Because Robert Brent Halter has custody, this factor weighs in favor of granting the Petition.

The child's reasonable preference for a surname. According to Robert Brent Halter, he filed the Petition at the request of Cheyanne Renee who wants her last name to be the same as the family members with whom she lives. Cheyanne Renee was not present at the hearing and did not testify. The Court accepts as credible the testimony presented by Robert Brent Halter. On the other hand, Amanda Lynn Quillen expressed concerns about whether Cheyanne Renee felt pressured by her father to make this request. Therefore, the Court makes no findings on Cheyanne Renee's own preference because she did not testify and there was a difference of opinion expressed. The Court considers this factor to be neutral in determining the best interests of Cheyanne Renee.

The effect of the change of the child's surname on the preservation and development of the child's relationship with each parent. Based on the testimony of the parties, the Court finds that whether Cheyanne Renee's last name is Quillen or Halter will not affect her relationship with either parent. This factor is considered neutral in determining the best interests of the child.

The degree of community respect associated with the child's present surname and proposed surname. No evidence was presented on this issue. This factor is neutral in determining the best interests of the child.

The difficulties, harassment, or embarrassment that the child may experience from bearing the present or proposed name. No evidence was presented on this issue. This factor is neutral in determining the best interests of the child.

The identification of the child as a part of the family unit. Cheyanne Renee lives with Robert Brent Halter, his wife Jennifer Halter, and their two sons who are Cheyanne Renee's half-brothers, Robert Halter and Jacob Halter. This factor strongly supports granting the Petition.

CONCLUSION

The Court finds that the factors in support of granting the name change Petition outweigh the factors against denying the name change Petition. It is in the best interests of the child Cheyanne Renee to be known as Cheyanne Renee Halter.

THEREFORE, IT IS SO ORDERED this 3rd day of November, 2010, from this day forward and for all purposes, Cheyanne Renee will bear the name Cheyanne Renee Halter.

Andrea L. Rocanelli

The Honorable Andrea L. Rocanelli